

### **REMARKS**

This Preliminary Amendment is being filed concurrently with a Request for Continued Examination. The Applicants thank the Examiner for the thorough examination of the application. No new matter is believed to be added to the application by this Amendment.

### **Status of the Claims**

Claims 1, 3, 6-13, 15-18, 22 and 23 are pending in the application. Claims 5 and 19-21 are canceled by this Amendment. Claim 1 has been amended to incorporate the subject matter of canceled claims 5 and 20. Claim 13 has been amended to incorporate the subject matter of canceled claims 19 and 21.

### **Rejections Under 35 U.S.C. § 103(a) based On Lyu**

Claims 1, 3, 6-13 and 15-18 and 20-23 are rejected under 35 U.S.C. § 103(a) as being obvious over the Lyu (U.S. Patent 6,001,539) in view of Tran (U.S. Patent 5,135,581), Carter (U.S. Patent 5,628, 933) and Kaneko (U.S. Patent 6,433,842). The Examiner adds the teachings of Kaiju (U.S. Patent 5,972,527) to the aforesaid rejection to reject claims 5 and 19. Applicants maintain traversal.

Distinctions of the invention over Lyu, Tran, Carter, Kaneko and Kaiju have been placed before the Examiner and made of record in the application in previous responses. For brevity, these distinctions are not fully repeated here.

In the Advisory Action mailed August 9, 2005, the Examiner refutes the inability of the cited art to suggest the present invention, stating: "The applicant's arguments are not persuasive, since the claims written is [sic] too broad such as 'less than 400 degree or less than 200 degree' can be any degree as long as less than 200 or less than 200, and the combination of the references will be motivated to produce the invention as claimed."

However, none of the cited art (Lyu, Tran, Carter, Kaneko and Kaiju) alone or in combination teach or suggest the combination of temperature conditions set forth in independent claims 1 and 13. None of the cited art recognizes the advantages to be gained by exploiting the temperature differential between the substrate and the reaction chamber.

As a result, one having ordinary skill in the art would not be motivated by Lyu, Tran, Carter, Kaneko and Kaiju to produce the present invention set forth in independent claims 1 and 13. The necessity for the Examiner to utilize five references to allege obviousness is further evidence of the utilization of impermissible hindsight reconstruction (citations omitted). A *prima facie* case of obviousness has not been made over claims 1 and 13. Claims depending upon claims 1 and 13 are patentable for at least the above reasons.

These rejections are overcome and withdrawal thereof is respectfully requested.

**Conclusion**

The Examiner's rejections have been overcome. No issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

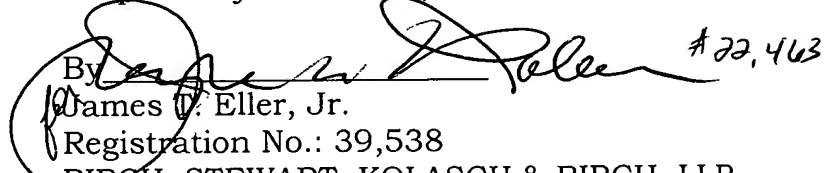
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No.42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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